

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,) CASE NO.: CR05-199-JLR
Plaintiff,)
v.)
DETENTION ORDER
HERBERT JOHN OTIS,)
Defendant.)

Offense charged:

Possession of Stolen Mail

Date of Detention Hearing: Initial Appearance September 20, 2005

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which defendant can meet will reasonably assure the appearance of defendant as required and the safety of other persons and the community.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

(1) The defendant has been indicted for possession of approximately 925 items of stolen mail. He was brought to this court by Writ of Habeas Corpus Ad Prosequendum from the Washington Corrections Center in Shelton, Washington, where he was serving a 14 months sentence for possession of stolen property. His projected release date is December 2005.

(2) Defendant has a long criminal records history that includes multiple counts of burglary, robbery, escape in the first degree, DWLS 3rd degree, possession of drug paraphernalia, harassment, protection order violation, and negligent driving. His criminal history includes multiple instances of warrants being issued for failure to appear and failure to comply.

(3) The defendant was not interviewed by pretrial services. There is no information available regarding his personal history, residence, family ties, ties to this District, income, financial assets or liabilities, physical/mental health or controlled substance use if any.

(4) The defendant does not contest detention.

(5) The defendant poses a risk of nonappearance due to his status with the Washington State Department of Corrections serving a sentence of incarceration, unknown background information, a conviction for escape, and a history of failing to appear. The defendant poses a risk of danger based on extensive criminal history.

(6) There does not appear to be any condition or combination of conditions that will reasonably assure the defendant's appearance at future Court hearings while addressing the danger to other persons or the community.

It is therefore ORDERED:

(1) Defendant shall be detained pending trial and committed to the custody of the Attorney General for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

(2) Defendant shall be afforded reasonable opportunity for private consultation with counsel;

(3) On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which defendant is confined shall deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding; and

01 (4) The clerk shall direct copies of this Order to counsel for the United States, to
02 counsel for the defendant, to the United States Marshal, and to the United States
03 Pretrial Services Officer.

04 DATED this 20th day of September, 2005.

05 
06 Mary Alice Theiler
07 United States Magistrate Judge